

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>ASSURANCE COMPANY OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 3:08-cv-0711</b>
	)	<b>Judge Trauger</b>
<b>CONTINENTAL DEVELOPMENT &amp; CONSTRUCTION, INC.;</b>	)	
<b>NICK PSILLAS AND DEBBIE PSILLAS;</b>	)	
<b>THOMAS C. McCORD;</b>	)	
<b>and ELAINE E. McCORD,</b>	)	
	)	
<b>Defendants.</b>	)	

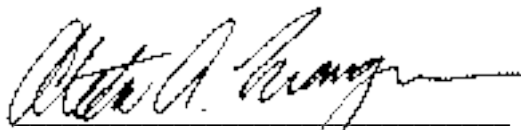
**ORDER**

For the reasons expressed in the accompanying memorandum, the motion to dismiss filed by the defendants Thomas C. McCord and Elaine E. McCord (Docket No. 45) is **DENIED**, and the motion for summary judgment filed by the plaintiff Assurance Company of America (Docket No. 52) is **GRANTED** with respect to all of the plaintiff's claims.

Additionally, the plaintiff's motion to strike the defendants' summary judgment sur-reply (Docket No. 75) is **DENIED** as moot, the defendants' motion to deem their additional statement of facts undisputed (Docket No. 80) is **DENIED**, and the defendants' motion *in limine* to exclude the plaintiff's rebuttal expert from testifying (Docket No. 85) is **DENIED** as moot.

It is so Ordered.

Entered this 8th day of June 2009.



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ALETA A. TRAUGER  
United States District Judge